

Minutes Tempe Fire and Police Public Safety Personnel Retirement System Boards Joint Meeting April 4, 2019

Minutes of the Tempe Fire and Police Public Safety Personnel Retirement System (PSPRS) Boards joint meeting, held on Thursday, April 4, 2019, 2:00 p.m., Tempe City Hall, third floor conference room, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Steven Methvin
Rob Ferraro
Bill Goodman (2:03 pm)
Don Jongewaard
Alex Moreno
Mike Scheidt (2:30 pm, via telephone)
Johnny Tse (via telephone)

Board Members Absent:

None

City Staff Present:

Renie Broderick, Internal Services Director
Wendy Messina, HR Analyst
Susan Buck, Executive Assistant

Legal Counsel Present:

David Niederdeppe
Lesli Sorensen

Chair Steven Methvin called the meeting to order at 2:00 p.m.

ITEM I – Public Appearances:

There were no public appearances.

ITEM II – Motion to Adjourn to Executive Session:

No Executive Session was held.

ITEM III – Discuss Arizona Court of Appeals Decision: *Pitts v. City of Chandler / Corvel*:

Boardmember Rob Ferraro stated he requested this item be discussed in order to determine whether there were possible implications resulting from this decision for future PSPRS Board applications for disability benefits. Board Legal Counsel David Niederdeppe and Lesli Sorensen briefly provided an overview of the decision. Mr. Niederdeppe stated that the results are relevant but not binding to decisions made by the Tempe PSPRS Boards. Ms. Sorensen provided background, noting the case dealt with an officer-involved shooting in 2013, with the officer diagnosed with post-traumatic stress disorder (PTSD) about three years after the shooting occurred. The officer then subsequently filed for worker's compensation; however, the claim was denied for the stated reason that under worker's compensation law, applicants are required to file for benefits within one year of the injury or disabling event. In this case, the court had to determine whether the applicant made timely application for worker's compensation benefits and ultimately found in favor of Mr. Pitts. (Boardmembers Mike Scheidt and Bill Goodman joined the meeting at 2:03 p.m.)

Ms. Sorensen noted that an applicant filing for disability benefits under PSPRS has a one-year (post termination) window to do so. Ms. Sorensen stated there is also a difference with burden of proof – in the subject court decision, the burden

of proof was on the City of Chandler and the insurance carrier (Corvel) to show the application was not timely filed; for a PSPRS application, the burden of proof would be on the applicant to show why they did not file within one-year post-termination. Ms. Sorensen indicated that she contacted the legal counsel for both City of Chandler and Corvel about whether they intend to appeal the decision; they have not yet decided to do so.

Item IV – Future Agenda Items:

Mr. Niederdeppe stated that legal counsel would provide the Boards with an update at the next joint meeting on whether there is an appeal of the decision discussed in Item III- Pitts v. City of Chandler / Corvel.

Adjournment

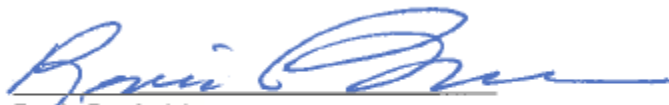
Motion to adjourn by Don Jongewaard; second by Rob Ferraro. Motion passed on a voice vote 7-0.

Ayes: Chair Methvin, Boardmembers Ferraro, Goodman, Jongewaard, Moreno, Scheidt and Tse.

Nays: None

Absent: None

The meeting adjourned at 2:07 p.m.



Renie Broderick
Local Board Secretary